



AGENDA

Planning Commission Meeting
Monday October 25, 2021
7:00 pm
Gardner City Hall
120 E. Main Street

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

All matters listed within the Consent Agenda have been distributed to each member of the Planning Commission for study. These items are considered to be routine and will be enacted upon by one motion with no separate discussion. If separate discussion is desired on an item, from either the Planning Commission or from the floor, that item may be removed from the Consent Agenda and placed on the Regular Agenda.

1. Standing approval of the minutes as written for the meeting on September 27, 2021

REGULAR AGENDA

1. Title 17 Gardner Land Development Code amendment – Off-site Signage (Public Hearing)
2. 2022 Planning Commission Meeting Schedule

DISCUSSION ITEMS

1. Upcoming schedule and meeting logistics
2. Development activity overview

ADJOURNMENT



In compliance with the Americans with Disabilities Act, the City of Gardner will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact the City Clerk's office at 856-0945 a minimum of 48 hours prior to the meeting.

PLANNING COMMISSION MEETING
City of Gardner, Kansas
Council Chambers
September 27, 2021
7 p.m.

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order at 7:00 p.m. on Monday, September 27, 2021, by Chairman Scott Boden.

PLEDGE OF ALLEGIANCE

Chairman Boden led the Pledge of Allegiance.

ROLL CALL

Chairman Boden
Commissioner Ham
Commissioner Meder- Absent
Commissioner McNeer
Commissioner Jueneman
Commissioner Cooper
Commissioner Hansen

Staff members present:

David Knopick, Community Development Director
Robert Case, Principal Planner
Melissa Krayca, Administrative Assistant
Spencer Low, City Attorney

CONSENT AGENDA

1. Approval of the minutes as written for the meeting on August 23, 2021.

Motion made by Commissioner McNeer to approve the minutes, seconded by Commissioner Jueneman passed 6-0.

REGULAR AGENDA

1. TALLGRASS, 2ND PHASE
 - a. FINAL PLAT
 - b. FINAL DEVELOPMENT PLAN

STAFF PRESENTATION

Mr. Case, Principal Planner presented the information in the staff report for Tallgrass Final Plat 2nd Plat. The original development was approved in 2019 and the current plat consists of 3 lots. The final plat is consistent with the preliminary plat and the Land Development Code and consistent with the established goals and policies of the City. No adjustments or deviations are requested with this plat. Staff recommends approval of the final plat for Tallgrass 2nd plat with the conditions outlined in the recommended motion.

COMMISSION DISCUSSION

No Discussion.

Motion made after review of application FP-21-06, a final plat for Tallgrass, 2nd Plat, tax Id CP94500000 0T0C, and staff report dated September 27, 2021, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. Prior to the issuance of a building permit, the application shall obtain approval from the Johnson County Board of Commissioners.
2. Prior to the Mayor signing an approved recordable plat, the applicable excise tax shall be paid to the City.
3. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.

and forwards the recommendation for approval to the Governing Body.

Motion made by Commissioner McNeer and seconded by Commissioner Ham.

Motion passed 6-0.

STAFF PRESENTATION

Mr. Case presented the information in the staff report for Tallgrass 2nd Plat, Final Development Plan. The Plan consists of 7 buildings with 136 units and 2 duplex homes with 4 units. There will be 5.2 acres of open space including a sports court, internal trail system, and clubhouse with a pool. The final development plan is consistent with the preliminary development plan and the site is capable of accommodating the buildings and other site design elements. The architecture and materials provide for quality buildings and the overall design is compatible with the context considering the location near residential and commercial properties. Staff recommends approval of the final development plan for Tallgrass, 2nd plat subject to the conditions outlined in the recommended motion.

COMMISSION DISCUSSION

Commissioner Jueneman inquired about the plans on the east side of the development, specifically a parking lot shown outside of the development plan. Todd Allenbrand, Payne, and Brockway explained the lot is for future apartment buildings in a future phase of the project and is shown for context.

Motion made after review of application FDP-21-07, a final development plan for Tallgrass, 2nd Plat, tax Id CP94500000 0T0C, and staff report dated September 27, 2021, The Planning Commission approves the application as proposed, provided the following conditions are met.

1. Prior to the issuance of a building permit, the application shall obtain approval from the Johnson County Board of Commissioners.
2. Approval of the final plat for Tallgrass, 2nd Plat.

and forwards the recommendation for approval to the Governing Body.

Motion made by Commissioner Hansen and seconded by Commissioner McNeer.

Motion passed 6-0.

2. GARDNER LAND DEVELOPMENT CODE AMENDMENT-OFF SITE SIGNAGE (PUBLIC HEARING)

STAFF PRESENTATION

Dave Knopick, Community Development Director presented the information in the staff report for the proposed code amendments. Periodically the Governing Body or Planning Commission or staff, through the activities associated with the administration of Title 17 Land Development Code (LDC) of the Gardner Municipal Code, may identify the need to make text amendments to the LDC. The process was initiated by the governing body on June 7, 2021, and introduced to the Planning Commission on August 23, 2021. The city attorney has conducted a review and revisions have been made and incorporated into the draft proposed. The City of Gardner can be more restrictive but not less restrictive than state regulations but can be less or more restrictive than Johnson County standards. An outline of the proposed amendments are as follows:

Chapter 17.10 Sign Standards

Principal Use Signs

- Allowed in C-2/ C-3/ M-1/ M-2 districts
- Allowed on property abutting/adjacent to I-35
- Not allowed along interchange ramps; acceleration/deceleration lanes; or for 500 ft beyond such lanes
- Vehicular access must be provided from the nearest roadway other than I-35
- Maximum number – 1 per parcel
- Separation between principal use signs
 - 600 feet for non-electric / digital LED signs
 - 1000 feet for electric / digital / LED signs
 - Measure along the I-35 centerline
- Total Display Area- 750 square feet
- Maximum Dimensions- 15 feet high and 50 feet wide
- Maximum Height- 30 feet
- Setbacks
 - 50 feet from I-35 right-of-way
 - 500 feet from property zoned residential for non-electric /digital / LED signs
- Type- Monument or Pole
- Lighting
 - No flashing, intermittent, or moving lights
 - Direct / Indirect lighting sources shall be shielded in a manner that directs light to the sign face only, prevents the light source from being visible when looking at the sign, and prevents glare.
 - Electronic / Digital / LED signs must display a static image for a minimum of 10 seconds between changes in display and no more than two seconds for transitions. No scrolling, flashing or animated transitions shall occur. Automatic dimming controls shall limit the illumination to no more than 500 nits at the sign surface at night or during low light times, and no more than 5,000 nits at the brightest daylight period.
- Construction / Maintenance
 - An initial building/sign permit is required and plans provided with applications for permitting such sign shall be certified by a licensed engineer registered in the State of Kansas.
 - Construction shall be in accordance with industry-wide standards and the adopted building regulations of the City of Gardner.

- Maintenance activities shall ensure that the sign is structurally sound and in good condition and that the property is maintained in compliance with the adopted regulations of the City of Gardner.
- Sign permits for such signs shall be renewed every 5 years through the filing of a sign permit renewal application and a certified inspection report provided by a licensed engineer registered in the State of Kansas verifying the sign is structurally sound and in good condition.
- Subject to all other applicable state/federal regulations
- Removal of 17.10.050 K. – Standards Applicable to All Signs

Any sign with a business message shall be located on the site of the business activity.

Staff recommendation is to conduct a public hearing, discuss proposed amendments and make a recommendation to the Governing Body. Motion options are as follows:

PUBLIC HEARING

Lynn Baker, L & J Development, LLC presented a letter to the planning commission members and vocalized his concerns with the proposed amendments. Mr. Baker does not agree with allowing only 1 sign per parcel of land considering he owns 82 acres alongside I-35. He believes the distance between signs should govern the sign count. He also stated that the 30-foot maximum height is too restrictive and signs could be obstructed by the trees. Mr. Baker also would like to donate some of the lands to the city to construct a Welcome to Gardner monument sign on the highway exit. Mr. Baker stated his appreciation for the staff's work and the consideration of the planning commission as well.

Jason Camis, Chamber of Commerce expressed his concerns with limitations being proposed as well. A standard of 50 feet for billboards would provide a better range of view on I-35 and a distance limitation would better suit landowners and businesses. He would request that the setback rule be enforced on a case-by-case basis depending on the surrounding land development and trees that may be able to be saved. He has reached out to developers and owners in the community that would like to see more billboards allowed that would present the opportunity to promote local business.

Fred Wingert, Wingert Billboard Company said he had received requests from business owners about revising billboard statues and his company is receiving more requests for business as well. He presented several letters to the commissioners from people who are requesting consideration to the topic. He said that he agrees with the proposed amendments except for 3 things. The number of signs per parcel, overall height, and setback being 50 feet from the highway. The state of Kansas or Johnson County does not have such tight restrictions and the possible proliferation of billboards would be addressed by the requirement of 600 and/or feet between signs. The proposed amendments are 40% less in height than the State which allows 50 feet. The proposed 50 feet minimum setback would place a burden on landowners who will not want a sign in the middle of their property and take away commercial and industrial land from future use. He asked the commissioners to consider the amendments but not implement the restrictions of the number of signs per parcel, reduce the setback and increase sign height to 50 feet.

Motion made to close the public hearing by Commissioner McNeer and seconded by Commissioner Hansen.

Motion passed 6-0.

COMMISSION DISCUSSION

Commissioner Ham stated her concern for the growing population buying homes in Gardner and being sure that billboards would not hinder the trail system. She would like to see the difference between 30 and 50-foot signs.

Mr. Knopick indicated that the Hampton Inn is approximately 62 feet tall and could be used as a reference when considering a 50 foot high sign. He believes the height can be flexible as long as we are sensitive to residential areas.

Commissioner Hansen said it made sense to him to require the separation distance rather than 1 sign per parcel.

Mr. Knopick agreed that it could be removed after hearing the comments in the public hearing.

Commissioner McNeer asked if reducing visibility with 30-foot signs and increased 50-foot setback would create any safety concerns.

Mr. Wingert says there is no question the signs are easier to read at 50 feet and closer to the highway but there is no data to prove they are unsafe.

Commissioner Jueneman asked if there is any differentiation in the proposed amendments in setbacks for digital signs.

Mr. Knopick said there is not and also clarified that there is room to give on the proposed setback of 50 feet. The intention is to be consistent with the Johnson County standards but staff wouldn't be opposed to the 15 feet setback. The only concern is any potential for expansion work in the right-of-ways.

Mr. Jueneman commented he drives a lot for work and noticed a spot in MO along I-29 that had many signs and stated his preference of farmland as opposed to billboards.

Commissioner Cooper asked approximately how many signs could be erected along I-35 in Gardner within the zoning restrictions.

Mr. Wingert said there seem to be only 3 potential locations.

Mr. Knopick agreed with that number but would need to be verified with field measurements and applicable zoning.

Chairman Boden commented that a great deal of information has been presented and would like some more time to make solid decisions on creating new code. He tends to favor the property owner's right to decide and thinks the proposed amendments are restrictive.

Mr. Baker commented that his property has red cedars about 30 ft from the highway and would hate to have to cut the trees for sign placement.

After hearing the discussion, Mr. Knopick stated he is comfortable removing the 1 sign per parcel and changing the setback to 15 feet instead of 50 feet. He recommended that we consider requiring a conditional use permit when a sign is to exceed 30 feet in height as a way to review the context and potentially approve on a case-by-case basis. It would provide a way to take topography and possible future development into account.

Commissioner McNeer asked if it would be reasonable to table the issue until the next meeting.

Mr. Knopick said he would be able to prepare something for the next meeting.

Commissioner Ham asked if there were requirements for landscaping around pole signs.

Mr. Knopick stated there are currently requirements for landscaping around monument and pole signs and those would be applicable to principal use signs.

Motion made to table the item until October 25, 2021, by Commissioner McNeer and seconded by Commissioner Ham.

Motion passed 6-0.

DISCUSSION ITEMS

Mr. Knopick asked commissioners to take a look at their calendars in November and December and let him know if meeting dates are problematic due to the holidays. He will look at the possibility of adjusting meeting dates if needed.

Chairman Boden announced that this may be his last meeting as his family is moving out of state. He has enjoyed being part of the Planning Commission and hates to leave. Commissioner Hansen thanked the Chairman for his leadership and experience. Commissioner Ham concurred. Commissioner McNeer complimented his support of all members over the years and his exceptionally well-managed and controlled meetings. Mr. Knopick stated his appreciation for how Chairman Boden has managed meetings. Mr. Case thanked him for his insight, leadership, and willingness to learn the codes.

Motion made to adjourn by Commissioner McNeer and seconded by Commissioner Hansen.

Motion passed 6-0.

Meeting adjourned at 8:30 p.m.

Recording of the meeting can be found at:

<https://www.youtube.com/watch?v=67xA33iEzfc&t=3487s>

DRAFT

REQUESTED CHANGES TO PROPOSED REGULATIONS:

10. Principal use sign dimensions and setbacks:

a. Number of principal use signs per parcel – 1

- The state of Kansas has no such restriction on signs per parcel.
- Johnson County has no such restriction on signs per parcel.
- This is addressed by requiring 600 feet and/or 1,000 feet between signs.
- Lack of fairness to those that own more frontage.
- Request to delete.

e. Overall height – 30 feet maximum

- 40% more restrictive than the State of Kansas.
- State of Kansas allows 50 feet.
- Signs can't be seen from highway if they are 30 feet tall.
- Request change to 50 feet maximum height.

f. Setback from I-35 right-of-way – 50 feet minimum

- The state of Kansas requires no minimum set-back from right of way.
- This is a huge burden on landowners who will not want a sign in the middle of their property.
- Restriction takes away value commercial and industrial land from future use.
- Request to change to 15 feet set-back as was proposed in the August Planning Commission Meeting, Monday August 23, 2021

L & J DEVELOPMENT, LLC
Lynn Baker, Cell 913-486-2555
23173 OLD KC RD, SPRING HILL, KS 66083

Monday September 27, 2021

Scott Boden, Chair
Mia Ham
Eric Hansen
Austin Jueneman
Adrianna Meder
Steve McNeer
Stacy Cooper

Dear Planning Commission Members:

Thank you for your service to Gardner. In August 2019, we agreed to have the 82 acres of development land we own and operate at 199th and I-35 annexed into the City of Gardner. We are working on various proposals to develop this property. Our development is one of the largest single tracts of land to be developed with frontage on I-35 in the City of Gardner. We appreciate the ongoing relationship we have with the City Manager, the City Planning Department, the Planning Commission, and the City Council.

I have reviewed the new proposed billboard regulations posted September 27, 2021 Gardner Planning Meeting Agenda. While in general the regulations seem ok and we support them. We find the following restrictions for billboards to be extremely unfair to all Gardner Kansas Commercial/Industrial Landowners:

- 1) Only allowing one billboard sign per parcel is EXTREMELY UNFAIR. Why does my company who agreed to be annexed into the City of Gardner in 2019, now be restricted to having only one billboard sign? These proposed regulations ALREADY restrict how close billboards can be to residential areas (no closer than 500 feet). These proposed regulations ALREADY require signs to be either 600 feet or 1000 feet from each other. These large limitations are adequate to keep Gardner, Kansas being overrun by billboards. There should be no limitation on the number of signs per property.

- 2) Requiring signs to have a set back of 50 feet from the I-35 right of way is not in the best of Gardner, Kansas. You are taking away commercial property which we can build roads or buildings on.
- 3) The purpose of billboard signs is so they can be seen by the traveling public. Limiting their height to 30 feet isn't reasonable.

On another topic, we would like to work with the City of Gardner to have a "Welcome to Gardner" in the corner of our property. Our property is the first property on I-35 in the City of Gardner as you approach from the south. Many cities have these and we have a perfect location for such a "Welcome to Gardner Kansas sign" on the corner of our property.

Thanks for your service to Gardner.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn Baker".

Lynn Baker, Co-Owner

**Ron Stricker's Auction
790 North Center St
Gardner, Kansas
913-963-3800**

September 24th, 2021

City of Gardner Planning Office
City of Gardner Planning Commission
120 E Main St,
Gardner, KS 66030

Dear Commissioners:

I have been made aware that you may be considering a proposal to approve additional billboards on I-35. Please vote to approve more billboards signs on I-35 in the City of Gardner.

My company has used billboards to advertise and inform customers about our auction, and auctioneering services over the last 20 years. Billboards add value to businesses and organizations in the community. Thousands of people from other communities in Kansas and across the United States drive by our city each day. Additional billboards are one way to promote businesses and organizations in our city.

Sincerely,



Ron Stricker
Cell 913-963-3800



QuikTrip

KANSAS CITY DIVISION
5725 Foxridge Drive
Mission, KS 66202-2401
P.O. Box 220
Shawnee Mission, KS 66201-0220
913-362-3700
FAX: 918-994-3557

David Knopick, Community Development Director
City of Gardner Kansas
120 E. Main St.
Gardner, KS 66030

Dear David:

As you are aware, QuikTrip Corporation is building a new Travel Plaza in Gardner at I-35 and Gardner Road. We understand that you are considering approving a change in your billboard rules to allow a few billboards within the Gardner City Limits both north and south of the Gardner Road Exit.

There is a challenge right now for our business finding available billboard space on I-35 both north and south of our location. For a location like the one we are building in Gardner, we have utilized billboard signage to inform the public about access to the services we provide. We would support your approval of adding a few billboard signs on I-35.

My email address is jacord@quiktrip.com if I can be of assistance. Thank you for your consideration.

Sincerely,

Jason Acord
Director of Real Estate



1845 E Santa Fe
Olathe, KS 66062
Parts: 855-890-2063
Service: 855-890-1832
www.olatheford.com

Sep 22, 2021

Mayor Steve Shute
Mark Baldwin
Kacy Deaton
Randy Gregorcyk
Tory Roberts
Todd Winters

Dear Gardner City Council Members:

For the last 33 years, Olathe Ford RV Center has worked to build our reputation as Kansas City's largest Recreational Vehicle Dealer. We strive to be a responsible and supportive member of Gardner and Johnson County. We offer services which include sales, service, parts, accessories, storage, rentals, and body repairs. To grow and attract new customers, we have in the past and may potentially in the future use billboard signage. In particular, I-35 billboard signage would be valuable to growing our business.

We would support the Gardner City Council adding additional billboard signage and electronic billboards along I-35 within the city limits.

We appreciate the service and sacrifice you make to serve our community on the council. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J McEver", followed by a long horizontal line.

Jeremy McEver,
VP

September 24, 2021

Mr. David Knopick
Community Development Director
120 E Main St
Gardner, KS 66030

Re: Billboard signage considerations for Interstate 35 corridor

Dear Mr. Knopick,

We were recently made aware of your consideration for the allowance of some billboard signage along the I-35 corridor between the 175th Street and Homestead Lane exits. As an employer based in Gardner, KS we are routinely seeking ways in which to advertise our career opportunities and open positions to the public. The high traffic count of commuters and travelers on the I-35 corridor presents an excellent opportunity to promote local business and career opportunities such as those offered at BCI Mechanical, Inc.

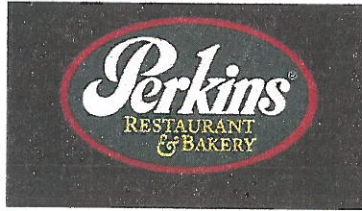
I would ask that the Planning Commission and further the Mayor and City Council please give due consideration to the allowance of a feasible number of billboards between these (2) entry and exit points. The ability to advertise career opportunities while passing through our great community would only help to further enhance our opportunities to grow our business, the community, and the services offered within.

Please feel free to contact me should you have any questions regarding my support for these billboards. I may be reached on cell at 913-207-7528.

Sincerely,



Brandon Livingston, PE
President



**2000 E. SANTA FE
GARDNER, KS 66030**

City of Gardner City Commissioner:
Mayor Steve Shute
120 E Main Street
Gardner, KS 66030

Dear Gardner City Commissioners:

I am writing to request your support of policies to add some additional billboards south of Gardner on Interstate 35. The restaurant business and all travel related industry has faced many challenges since mid-March 2020. These challenges will continue for the foreseeable future. We continue as an industry to adapt and evolve in order to survive in these challenging times.

As a company and franchisee, we have utilized and will continue to utilize billboard signage to promote our products to the travel public on I-35 in the Gardner area. Especially in these difficult times, we would strongly support any effort to add additional billboards on I-35 near Gardner. While we can understand that the city may not want large numbers of billboards, adding a few billboards would assist our business. As our business grows, there is a need to hire more local personnel to fill the job requirements.

We appreciate your time, commitment, and service to the Gardner, Kansas community. I can be reached at the number below if you have time to call.

Thank you.


Vince Walsh

Cyhawk Hospitality, Inc./Perkins Restaurant
Outdoor Advertising Consultant

Red Brick Inn, LLC

Brown Stone 3 Development, LLC
2955 SW Wanamaker Dr.
Topeka, Kansas 66614
785.329.5420

**Council Members: Mark Baldwin, Randy Gregorcyk, Rich Melton
Tory Roberts, Todd Winters**

Mayor Steve Shute

Dear Gardner City Officials:

Our company is developing a commercial/retail project which will bring several new businesses to the Gardner Area at 175th Street and I-35. We understand you may be considering approving a sign overlay district which would add some new billboards to I-35 from the south.

An addition of billboards on I-35 would be very helpful to the new and existing businesses at the 175th street exchange. This effort has our full support.

Thank you for reading this letter.

Sincerely,


Johnny Brown

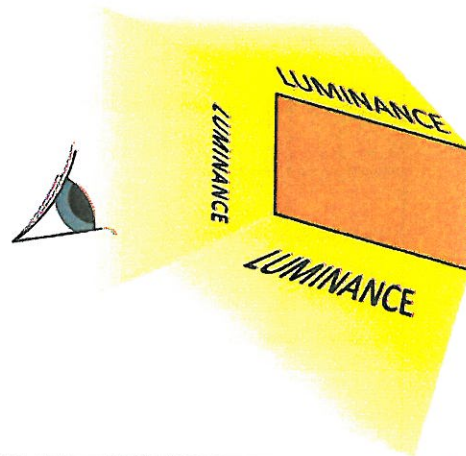
Sign Brightness

Measuring Sign Brightness

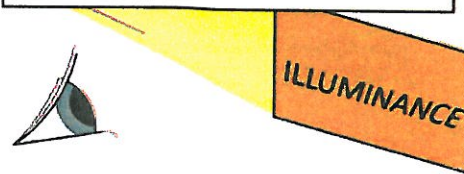
by Gregory Young

Apart from energy consumption, there are the important issues of light trespass and light pollution, which cause distraction, obscure stars in the night sky, and, like any other form of pollution, disrupt ecosystems and cause adverse health effects for humans and wildlife alike. Light trespass¹ is measured in two ways: luminance or illuminance. *Luminance* (measured in nits²) quantifies surface brightness, or the amount of light an object gives off. *Illuminance* (measured in footcandles³) quantifies that amount of light which falls onto an object.

By either measure, digital signage can create significant problems. "During daylight, an unlit static billboard will have a brightness which "fits in" with its surroundings; it will not cause excessive distraction because of excessive luminance" (Carhart, 2010, p.4). But, to capture drivers' attention, digital signs must be set to very high luminance levels, as they are essentially competing with the sun, which has a luminance level of 6,500 nits. If this extreme brightness is not modulated to fit nighttime conditions, we face issues including very high energy consumption during the day, light pollution in the evening, and potential driver distraction at all times. The OAAA (Outdoor Advertising Association of America) has guidelines to address brightness limits, but they are not mandated.



This sign (above) gives off light. Its **Luminance** is measured in **nits**.



This sign (above) is being lit by a light source. Its **Illuminance** is measured in **footcandles**.

¹ **Light trespass** occurs when unwanted light enters one's property, for instance, by shining over a neighbor's fence. A common light trespass problem occurs when a strong light enters the window of one's home from the outside

² **Nit**—term used to describe a metric unit of luminance. It is defined as candela per square meter (cd/m^2). The unit is based on the candela, the modern metric unit of luminous intensity; and the square meter.

³ **Footcandle** — Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, a.k.a. light meter.

Observed and Recommended Levels of Brightness

Information Source	Product type	Luminance (surface brightness)
(C. Luginbuhl study)	Typical Ambient Roadway Illumination	1 Nit
(C. Luginbuhl study)	Typical Floodlit Billboard	approximately 100 Nits
Digital Billboards: New Regulations for New Technology by Drew Carhart	Traditionally lit static billboards	98% were under 150 Nits, 83% were under 100 Nits (Arizona Study); 124 Nits average (New York Study)
IESNA recommendations	Recommendations for Digital Billboard Luminance	250 Nits (day), 125 Nits (night)
Outdoor Advertising Association of America (Ian Lewin Study)	Recommendations for Digital Billboard Luminance	300-350 Nits suggested (study based on light trespass readings)
Hewlett-Packard (Specifications)	47" LCD Digital Signage Display	500 Nits
Corn Digital (Specifications)	32" & 42" LCD Posters	500 Nits (32") 700 Nits (42")
Carhart study	Daytime sky (sunny)	5,000-7,000 Nits
Virginia Tech Transportation Inst.	The Sun	6,500 Nits
Senzen Top Technology Co., Ltd (specifications)	seires PH12 (14'x48' full-color LED billboard	8,000+ Nits
EraLED (Specifications)	Series P20 full-color LED billboard (assorted sizes)	8,500 Nits
ProVIDEO Billboard Panels (specifications)	Series 1515-4, 14'x48' full-color LED billboard	11,000+ Nits
Optec Displays (specifications)	model 1248, 14'x48' full-color LED billboard	11,000+ Nits
Optec Displays (specifications)	model 2040-5, 14'x48' full-color LED billboard	11,000+ Nits

Limiting Sign Brightness

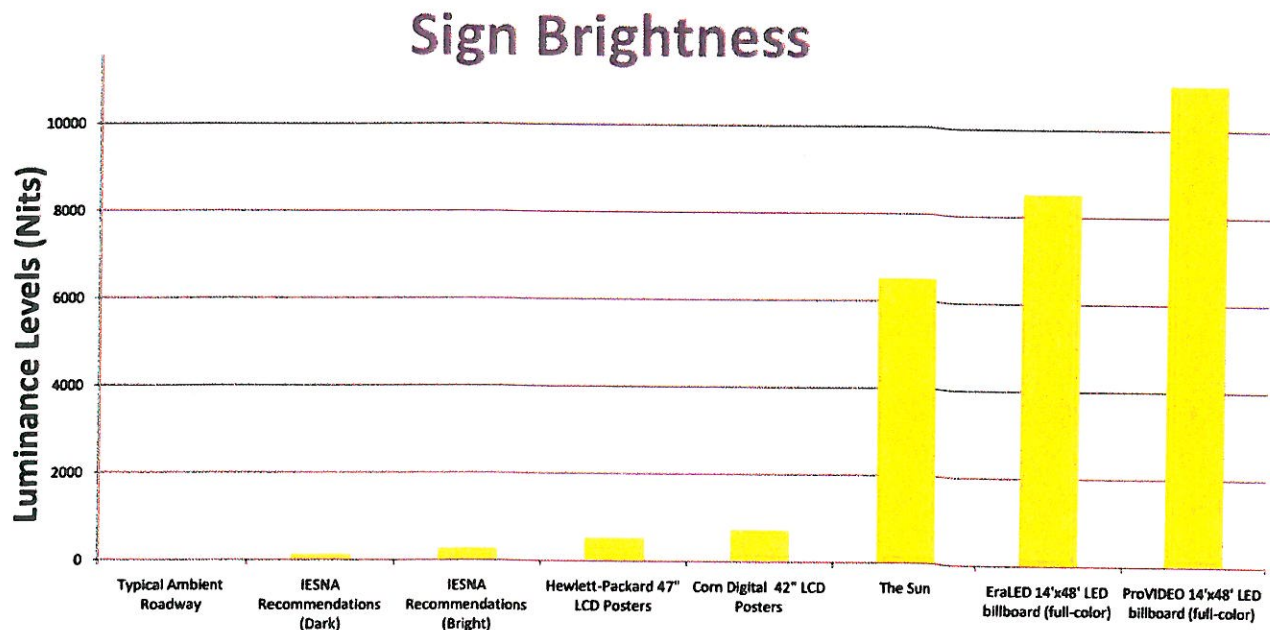
Proposed limits on sign brightness have caused much debate. Research provided by the Illuminating Engineering Society of North America (IESNA) states that drivers should be subjected to points of brightness no greater than 40 times the average brightness level of their general surroundings; this proportion is known as the contrast ratio. "As roadway lighting and automobile headlights provide ambient nighttime lighting levels of about one nit, this implies signage should appear no brighter than about 40 nits" (Luginbuhl, 2010, p.1). Surprisingly, the IESNA's own recommendations for signage luminance suggest limits between 250-1400 nits---greatly exceeding their stated maximum contrast ratio of 40:1.

The OAAA, has deemed 300-350 nits an acceptable level of night brightness. However, their guidance is based on the use of the IEEE standard for light trespass (IESNA-TM-11-00), when, for reasons of traffic safety and glare in drivers' eyes, it should have been based on IEEE's standard for roadway sign lighting (IESNA RP-19-01).

Traditionally floodlit static billboards rarely exceed 100 nits; experts on both driver distraction and light pollution recommended that, as a means of compromise, the new technologies should not exceed this value. In many areas, including Philadelphia, brightness levels are currently unregulated, and many manufacturers publicize their signs' capabilities to reach up to 11,000 nits.

Digital signage advocates mention the horizontal louvers⁴ included in many billboards as an effective measure to prevent light pollution. In reality, these louver systems were designed primarily to shade each diode from sunlight (thus increasing their prominence), not to limit nighttime glow.⁵ As Luginbuhl states in "Lighting and Astronomy," horizontal light (that which is emitted between 0° and roughly ±20°, and not restricted by horizontal louvers) contributes even more to skyglow than light emitted at higher angles. The effects of lower-angle lighting---such as that used to captivate approaching drivers-- are visible over a much broader area (Carhart, 2010).

A better option is to simply operate signs at less than maximum brightness. Not surprisingly, sign brightness and energy usage are directly related; beyond reducing light pollution and distraction, lowering luminance reduces total power consumption. One manufacturer experimented with running their digital displays at half-brightness; they were able to reduce power usage by nearly 40%, while maintaining full sign readability (Noventri, see in chart). Another option for reducing unnecessary brightness (and thus power usage) is to equip signs with sensors which automatically lower light output in accordance with atmospheric conditions. For example, sign brightness would mechanically be dimmed during dusk, early morning hours, or during cloudy or overcast weather. Again, OAAA does have guidelines for dimming, but they are not mandatory.



⁴ A **louver** is a slat that is angled to keep out rain, direct sunshine, etc. The angle of the slats may be adjustable or fixed.

⁵Retrieved from <http://www.optec.com>



TO: Gardner Planning Commission

FROM: David Knopick, Community Development Director

DATE: October 25, 2021

SUBJECT: Regular Item 1: Consideration of proposed Title 17 Land Development Code amendments regarding off-site signage.

The following memo is the same as the content in the memo previously addressing this topic, dated September 27, 2021, except for the following changes to the recommended amendments:

1. Removed references allowing principal use signs in the C-2 zoning district in order to clean-up inconsistent references.
2. Removed limitation of 1 principal use sign per property. Per previous public hearing comments and Planning Commission discussion.
3. Clarified sign face display area of 750 square feet maximum by adding the phrase "*facing the same direction.*"
4. Added an allowance to consider overall principal use sign heights greater than 30 feet, up to 50 feet, through the Conditional Use Permit process. Per previous public hearing comments and Planning Commission discussion. Also, specified that vertically stacked signs are subject to the Conditional Use Permit process as well.
5. Reduced the required setback distance from the I-35 right-of-way from 50 feet to 15 feet. Per previous public hearing comments and Planning Commission discussion.

BACKGROUND

Periodically the Governing Body or Planning Commission or staff, through the activities associated with the administration of Title 17 Land Development Code (LDC) of the Gardner Municipal Code, may identify the need to make text amendments to the LDC. The process to be used to consider and make such changes is prescribed as follows:

Section 17.03.110 Text Amendments

A. **Applicability.** *Text amendments to these regulations may be initiated by the Governing Body or the Planning Commission, or by staff on behalf of these entities.*

B. **Specific Procedures.** *In addition to the general procedures in Table 3-1, and GMC 17.03.010, applications for text amendments shall be processed according to the following specific procedures:*

1. *Public Hearing. The Planning Commission shall hold a public hearing on all proposed amendments.*
2. *Recommendations. Upon the conclusion of the public hearing, the Planning Commission shall prepare and adopt its recommendations in the form of a proposed development regulation and shall submit it with a record of the hearing to the Governing Body.*

3. *Action by the Governing Body. When the Planning Commission submits a recommendation of approval or disapproval of such amendment and the reasons therefor, the Governing Body may:*
- a. *Adopt. Adopt such recommendation by ordinance,*
 - b. *Override. Override the Planning Commission's recommendation by at least a two-thirds vote of the membership of the Governing Body, or*
 - c. *Return. Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission after considering the same may resubmit its original recommendation giving the reasons therefor or submit new and amended recommendations. Upon the receipt of such recommendation, the Governing Body by a simple majority thereof may adopt or may revise or amend and adopt such recommendation by ordinance or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.*
4. *Publication. If the Governing Body approves an application, it shall adopt an ordinance to that effect, but the ordinance shall not become effective until its publication in the official newspaper. (Ord. 2518 § 2 (LDC § 3.11))*

The Governing Body was approached by a sign provider, representing a local property owner, with an inquiry and proposal regarding the allowance of off-site advertising signage along the I-35 corridor in Gardner. Currently, the Gardner Land Development Code (LDC) does not allow off-site advertising per *Section 17.10.050 Standards Applicable to All Signs*:

K. Any sign with a business message shall be located on the site of the business activity.

As the Planning Commission is aware, *Section 17.03.110 Text Amendments* of the LDC states the text amendments to the LDC may be initiated by the Governing Body, the Planning Commission, or by staff. After listening to the inquiry and proposal, the Governing Body asked that planning staff look into potential amendments / changes to the LDC that would accommodate off-site advertising signage and staff has been working on draft amendments and changes for consideration by the Planning Commission and Governing Body per the procedures outlined in the LDC.

In order to help the Planning Commission familiarize itself with this topic, the following links are being provide for reference purposes:

City of Gardner Sign Standards (LDC Chapter 17.10):

<https://www.codepublishing.com/KS/Gardner/#!/Gardner17/Gardner1710.html#17.10>

State of Kansas Department of Transportation *Advertising Signs In Kansas* brochure:

<https://www.ksdot.org/Assets/wwwksdotorg/bureaus/burRow/OutdoorAd/Advertising%20Signs%20in%20Kansas%20Brochure%2004%2019.pdf>

(This brochure provides an overview of the state regulations related to off-site advertising along designated transportation corridors in Kansas including I-35. The standards and requirements of the state are the minimum standards that would be

applicable if off-site advertising signage were allowed in Gardner along the identified corridors. The applicable Kansas regulations can be found at:
https://www.ksdot.org/Assets/wwwksdotorg/bureaus/burRow/PDF_Files/KHACARev6.pdf
f)

Johnson County Kansas Sign Regulations

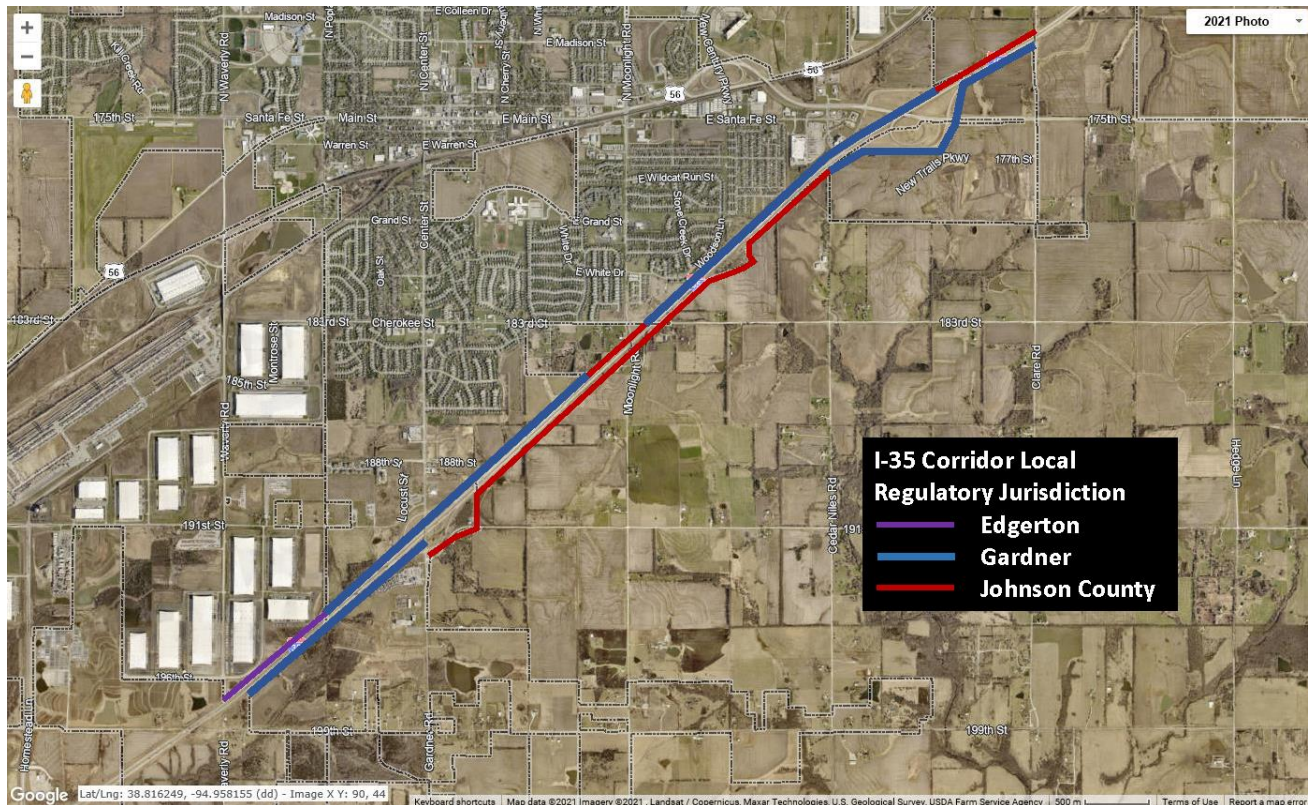
https://www.jocogov.org/sites/default/files/documents/PLN/article_20.pdf

Specifically – Section 6 C 2 c Outdoor Advertising Signs starting on page 20-8.

In addition to the local regulations and the current county and state regulations, there are court decisions (primarily having to do with sign content / messaging) that must be taken into consideration related to sign regulation within the City of Gardner.

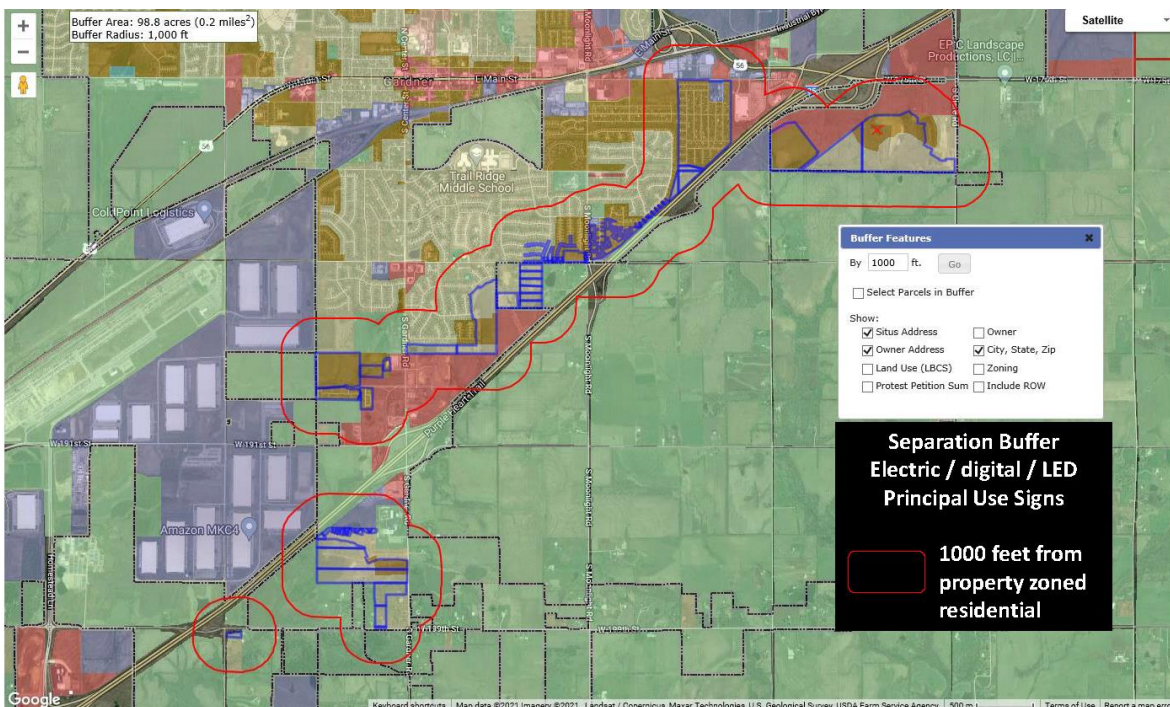
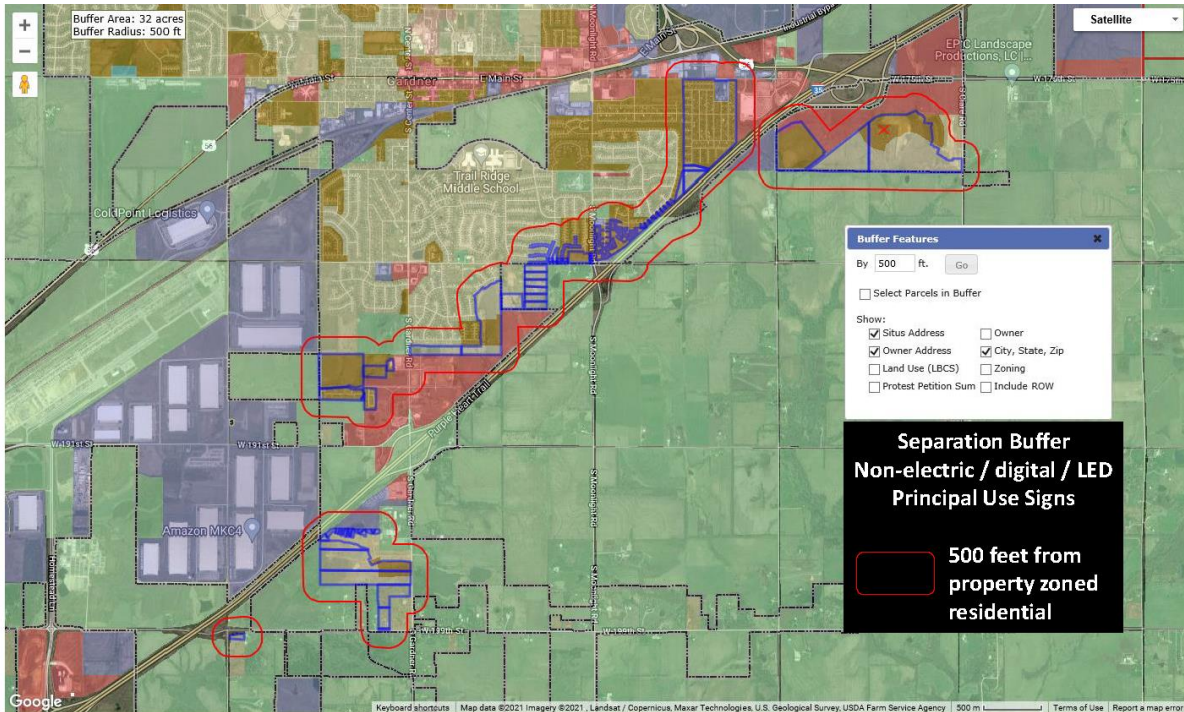
In consideration of the regulatory context and the framework of the LDC, staff has taken an approach that categorizes signs as ancillary or principal uses and is recommending the removal of the reference to messaging content. As a result of this approach the recommended amendments are focused on physical characteristics (e.g. setback, separation, height, dimensions, location, lighting, landscaping, etc.), as well as construction and maintenance standards which could also include special permitting / inspection requirements. The following items are provided as contextual / summary information for consideration of the proposed LDC amendments:

1. Two sign categories would be described as uses of property.
 - a. Ancillary signs – associated with and supporting a principal or accessory use on the same property.
 - b. Principal use signs – not associated with and supporting a principal or accessory use on the same property.
2. Principal use signs would only be allowed along the I-35 corridor. Approximately 5 miles (26,400 linear feet) of I-35 is located within or adjacent to the City of Gardner.
 - a. Eastside of I-35 – property located along approximately 2.7 mi (14,256 feet) of the linear distance is regulated by the City of Gardner (in two segments: an area starting approximately .3 miles northeast of the 199th Street bridge to Gardner Road; and an area beginning near the start of the I-35 northbound off-ramp at 175th Street to Clare Road). The remainder of the linear distance on this side of I-35 is regulated by Johnson County.
 - b. Westside of I-35 – property located along approximately 3.6 mi (19,008 feet) of the linear distance is regulated by the City of Gardner (in two segments: an area between the Edgerton City Limits to a point approximately .4 miles south of 183rd Street; and an area from 183rd Street to approximately the beginning of the I-35 southbound off-ramp of the 175th Street interchange) the remainder of the linear distance on this side of I-35 is regulated by Johnson County or the City of Edgerton.



3. Local regulations related to principal use signs cannot be less restrictive than the applicable state regulations along the I-35 corridor but can be more restrictive than the state regulations. Such signs would still be required to obtain a state permit / license and meet state regulations to which the local regulations are silent.
4. Regulations related to principal use signs in the City of Gardner can be less or more restrictive than applicable Johnson County regulations.
5. Principal use signs in Gardner would only be allowed in the C-3, M-1 and M-2 zoning districts. State regulations require that such sign be located in commercial or industrial zoning districts.
6. Principal use signs would only be allowed on property abutting / adjacent to the I-35 right-of-way in Gardner.
7. Principal use signs would not be allowed adjacent to interchange ramps, acceleration / deceleration lanes, and for 500 feet leading up to the start of the on-ramp deceleration lane and 500 feet beyond the end of an off-ramp acceleration lane.
8. Vehicular access would be provided in a manner that accommodates emergency vehicle access from the nearest public roadway other than I-35.
9. Principal use signs would be separated by a minimum of:
 - a. 600 linear feet between any non-electric / digital / LED sign and any other principal use sign along the I-35 corridor as measured along the center line of the I-35 rights-of-way.
 - b. 1000 linear feet between any electric / digital / LED sign and any other principal use sign along the I-35 corridor as measured along the center line of the I-35 rights-of-way.
10. Principal use sign dimensions and setbacks:
 - a. Sign face display area – 750 square feet maximum facing the same direction
 - b. Sign face height – 15 feet maximum
 - c. Sign face width – 50 feet maximum

- d. Overall height – 30 feet maximum (up to 50 feet with an approved Conditional Use Permit - CUP)
- e. Setback from I-35 right-of-way – 15 feet minimum
- 11. Principal use signs would be located away from property with residential zoning:
 - a. 500 foot separation for non-electric / digital / LED signs
 - b. 1000 foot separation for electric / digital / LED signs



PROPOSED AMENDMENTS

Draft language related to potential changes is provided below and organized by chapter. A summary paragraph associated with each chapter is provided in regard to the nature of the proposed amendments. After the summary paragraph the existing language from the LDC is provided in black font (language proposed to be removed is in red strikeout font) and proposed new language is provided in red font.

CHAPTER 17.02 DEFINITIONS

No changes are being recommended in this chapter. The current sign definition is being provided for reference purposes.

17.02.010 Definitions

S

Sign means any device which shall display or include any letter, word, model, insignia, device, or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business.

CHAPTER 17.05 ZONING DISTRICTS AND USE STANDARDS

The proposed language in this section is related to the identification and description of ancillary and principal use signs as part of the Communication and Utilities land use category associated with the Use Table. The language provided below has been reviewed by the City Attorney.

17.05.030 General Use Standards

A. **Permitted Uses.** In order to implement the intent of each zoning district, facilitate complementary transitions between districts, and to regulate a variety of compatible uses within zoning districts, use categories and general uses have been established for principal uses of land and buildings. Table 5-2 indicates permitted uses (P) subject to general district and building type standards, permitted accessory uses (A) subject to specific accessory use standards, temporary uses (T) subject to limited permits, and conditional uses (C) subject to the discretionary review process in GMC [17.03.050](#). All uses may be subject to more specific standards, limitations and performance criteria as identified by an asterisk in Table 5-2 and in GMC [17.05.040](#), [17.05.050](#) and Chapter [17.11](#) GMC. Use categories, general uses and specific types of uses are more specifically described in subsection (B) of this section.

Table 5-2: Use Table															
	Residential Districts								Nonresidential Districts						
	A	RE	R-1	R-2	R-3	R-4	R-5	RM-P	C-O	CO-A	C-1	C-2	C-3	M-1	M-2
COMMUNICATIONS AND UTILITIES															
Signs, Ancillary (See Sign Standards)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Signs, Principal Use (See Sign Standards)												P	P	P	

B. **Description of Uses.** This subsection contains general descriptions associated with the use of land and buildings organized by categories and types, and enabled by zoning districts in Table 5-2. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the Director shall make an interpretation on the most relatively equivalent described use considering (1) the similarity of the use in terms of scale, impact and operations to other described uses; (2) the typical building formats and site designs associated

with the use from existing examples; and (3) the potential contribution of the use and typical formats to the intent of the zoning district. Any use that may not be interpreted as relatively equivalent to a use described in this section or the use table are not anticipated by these regulations and may only be allowed by a text amendment.

COMMUNICATIONS AND UTILITIES

The Communications and Utilities category is for buildings, structures, or other **physical infrastructure** improvements that provide essential public services **or support the communication / distribution of information.**

Signs, Ancillary – Signs associated and supporting a principal or another accessory use located on the same property.

Signs, Principal Use - Signs that are not associated with another principal or accessory use located on the same property.

CHAPTER 17.10 SIGN STANDARDS

The proposed language in this section provides the physical parameters for ancillary and principal use signs. The primary focus in this chapter is the creation of Table 10-3: Principal Use Sign Allowances and associated standards related to sign type, lighting, and construction / maintenance. Additionally, the current reference to business messaging is recommended to be removed.

17.10.040 Sign Allowances

The following sign allowances apply to zoning districts or groups of zoning districts as the basic standard. Other restrictions in this section, or other regulations, may operate to further reduce the basic sign allowances within each zoning district.

A. Ancillary Signs. Signs supporting a principal or accessory use located on the same property are subject to the allowances in Table 10-2.

Table 10-2: Ancillary Sign Allowances

	Residential, Agriculture and REC Districts	C-O, CO-A and C-1	C-2, C-3, M-1 and M-2
Wall Signs	For permitted principal nonresidential or multi-family uses: <ul style="list-style-type: none"> • <i>Number</i> – 2 signs per facade • <i>Total Area Allowance</i> – 5% of facade area maximum • <i>Size</i> – 24 s.f. per sign maximum 	<ul style="list-style-type: none"> • <i>Number</i> – 1 sign per tenant with exterior entrance (multi-tenant building); otherwise 3 signs per facade maximum • <i>Total Area Allowance</i> – 1.5 s.f. per each 1 linear foot of building frontage • <i>Size</i> – 32 s.f. per sign maximum 	<ul style="list-style-type: none"> • <i>Number</i> – 2 signs per tenant with exterior entrance (multi-tenant building); otherwise 4 signs per facade maximum • <i>Total Area Allowance</i> – 10% of facade area maximum
Freestanding Signs	For permitted nonresidential uses, or any residential project over 5 acres: <ul style="list-style-type: none"> • <i>Number</i> – 1 monument sign per street frontage for nonresidential uses OR per entrance for residential projects over 5 acres 	<ul style="list-style-type: none"> • <i>Number</i> – 1 sign per lot • <i>Size</i> – 25 s.f. per sign maximum • <i>Height</i> – Monument design 	<ul style="list-style-type: none"> • <i>Number</i> – 1 sign per each 200' of street frontage; maximum of 3 signs per lot • <i>Separation</i> – At least 100' between signs

Table 10-2: Ancillary Sign Allowances

	Residential, Agriculture and REC Districts	C-O, CO-A and C-1	C-2, C-3, M-1 and M-2
	<ul style="list-style-type: none">• <i>Size</i> – 24 s.f. per sign maximum at the minimum of 10' from property line; additional 8 s.f. per each additional 10' setback, to maximum of 48 s.f. per sign• <i>Height</i> – Monument design required; 6' high maximum <p><i>Exception:</i> Any residential project more than 10 acres may allocate this allowance into multiple signs, 8 s.f. or less, provided it is part of a streetscape plan/public amenity program with signs integrated into streetscape structures in common areas at intersections throughout neighborhoods.</p>	<p>required; 6' high maximum</p> <ul style="list-style-type: none">• <i>Setback</i> – 10' minimum setback from all right-of-way and lot lines	<ul style="list-style-type: none">• <i>Total Area Allowance</i> – 1 s.f. per each 2 linear feet of street frontage• <i>Size</i> – 25 s.f. per sign maximum at the minimum of 10' from property line; additional 10 s.f. per each additional 5' setback, to maximum of 65 s.f. per sign• <i>Height</i> – Monument design required; 6' high maximum; and an additional 2' in height for each additional 5' setback up to 15' maximum height• <i>Setback</i> – 10' minimum setback from all right-of-way and lot lines <p><i>Exception:</i> Signs within 1,000' of the interstate may be pole signs up to 75' high maximum, and up to 300 s.f., per sign maximum if used in lieu of one other wall or freestanding sign.</p>
Temporary Signs	<ul style="list-style-type: none">• <i>Freestanding:</i><ul style="list-style-type: none">◦ <i>Total Area Allowance</i> – 1 s.f. per each 5 linear feet of street frontage◦ <i>Size</i> – 9 s.f. per sign maximum; 24 s.f. for lots 5 acres or more◦ <i>Height</i> – 6' high maximum◦ <i>Separation</i> – At least 25' between signs• <i>Wall:</i><ul style="list-style-type: none">◦ <i>Number</i> – 2 signs per facade◦ <i>Total Area Allowance</i> – 5% of facade area maximum◦ <i>Size</i> – 8 s.f. per sign maximum• Total combined display time 90 days per calendar year per lot <p><i>Exemption from permit:</i> 4 s.f. per sign maximum, but still counts to total area allowance and must meet all other temporary standards.</p>	<ul style="list-style-type: none">• <i>Freestanding:</i><ul style="list-style-type: none">◦ <i>Total Area Allowance</i> – 1 s.f. per each 5 linear feet of street frontage◦ <i>Size</i> – 32 s.f. per sign maximum◦ <i>Height</i> – 6' high maximum within the right-of-way and within 10' of the right-of-way; if setback is greater than 10' from the right-of-way, an additional 2' in height for each additional 5' setback up to 15' maximum height◦ <i>Separation</i> – At least 70' between signs• <i>Wall:</i><ul style="list-style-type: none">◦ <i>Number</i> – 2 signs per facade◦ <i>Total Area Allowance</i> – 5% of facade area maximum◦ <i>Size</i> – 32 s.f. per sign maximum• Total combined display time 90 days per calendar year per lot <p><i>Exemption from permit:</i> 4 s.f. per sign maximum, but still counts to total area allowance and must meet all other temporary standards.</p> <p><i>Exception:</i> Temporary signs may exceed these limits if it is in place of any other permitted sign to allow for a new business during an interim period not to exceed 90 days, and subject to all other limits of the substituted sign type.</p>	

Table 10-2: Ancillary Sign Allowances

	Residential, Agriculture and REC Districts	C-O, CO-A and C-1	C-2, C-3, M-1 and M-2
Pedestrian Sign	<p>For permitted nonresidential use:</p> <ul style="list-style-type: none"> • <i>Number</i> – 1 sign per each public entrance • <i>Height</i> – 6' high maximum and within 30' of entrance if mounted on the ground • <i>Size</i> – 6 s.f. per sign maximum 		<ul style="list-style-type: none"> • <i>Number and Size</i> – 1 sign per each public building entrance; 8 s.f. per sign maximum; and within 20 feet of entrance AND • <i>Number and Size</i> – 1 sign per each 25 linear feet of building frontage; 6 s.f. per sign maximum <p><i>Exemption:</i> Portable pedestrian signs or any pedestrian sign mounted on a building that projects into the right-of-way are exempt from right-of-way prohibition in C-1 district AND on any street designed to Activity Street specs per subdivision design standards. Portable pedestrian signs shall meet GMC 17.10.060(B).</p>
Internal Ground Sign	Not applicable		<ul style="list-style-type: none"> • <i>Number</i> – 1 sign per each 5,000 square feet of lot • <i>Size</i> – 4 s.f. per sign maximum; up to 12 s.f. per sign for lots or parcels over 5 acres and if set back at least 50' from public right-of-way or lot lines • <i>Height</i> – 3' high maximum; up to 5' high maximum for signs on lots or parcels over 5 acres and if set back at least 50' from the right-of-way or lot lines

(Ord. 2584 § 1; Ord. 2518 § 2 (LDC § 10.04))

B. Principal Use Signs. Signs are a principal use of property when the sign is not considered to be ancillary to another principal or accessory use on the same property and are subject to the allowances in Table 10-3 and the standards listed below.

Table 10-3: Principal Use Sign Allowances

	Residential, Agriculture and REC Districts	C-O, CO-A, C-1 and C-2	C-3, M-1 and M-2
Freestanding Signs	Not Allowed	Not Allowed	<ul style="list-style-type: none"> • <i>Location</i> – on parcels abutting the I-35 right-of-way only; not allowed adjacent to an I-35 on-ramp or off-ramp for the extended distance of 500 feet prior to the beginning of the deceleration lane or 500 feet beyond the end of the acceleration lane of I-35 on / off ramps • <i>Vehicular Access</i> – must be provided from the nearest public road right-of-way (other than I-35) and constructed with a dust free surface to a standard that accommodates emergency vehicle access to the sign location. • <i>Separation</i> – <ul style="list-style-type: none"> ○ For non-electronic / digital / LED signs 600 feet of separation distance from any other principal use sign located on either side of I-35 as measured along the centerline of the I-35 right-of-way from a

Table 10-3: Principal Use Sign Allowances

	<i>Residential, Agriculture and REC Districts</i>	<i>C-O, CO-A, C-1 and C-2</i>	<i>C-3, M-1 and M-2</i>
			<p>point opposite any edge of a principal use sign and perpendicular to the centerline of I-35</p> <ul style="list-style-type: none"> ○ For electronic / digital / LED signs 1000 feet of separation distance from any other principal use sign located on either side of I-35 as measured along the centerline of the I-35 right-of-way from a point opposite any edge of a principal use sign and perpendicular to the centerline of I-35 • <i>Total Area Allowance</i> – 750 total square feet of sign display area facing the same direction • <i>Size</i> – Height of sign face 15 feet or less; Width of sign face 50 feet or less • <i>Height</i> – Overall height 30 feet or less; Conditional Use Permit required for heights greater than 30 feet up to 50 feet and for vertical stacking of signs • <i>Setback</i> - 15 feet from the I-35 right-of-way; For non-electronic / digital / LED signs 500 feet from any residentially zoned property; For electronic / digital / LED signs 1000 feet from any residentially zoned property

Standards Applicable to Principal Use Signs (in addition to other sections of the Gardner Land Development Code)

1. Sign Type –

- a. Monument – subject to the standards identified in Section 17.10.060 A of the Gardner Land Development Code.
- b. Pole - subject to the standards identified in Section 17.10.060 F of the Gardner Land Development Code.

2. Lighting –

- a. No flashing, intermittent or moving lights
- b. Direct / Indirect lighting sources shall be shielded in a manner that directs light to the sign face only, prevents the light source from being visible when looking at the sign and prevents glare.
- c. Electronic / Digital / LED signs must display a static image for a minimum of 10 seconds between changes in display and no more than two seconds for transitions. No scrolling, flashing or animated transitions shall occur. Automatic dimming controls shall limit the illumination to no more than 500 nits at the sign surface at night or during low light times, and no more than 5,000 nits at the brightest daylight period.

3. Construction / Maintenance -

- a. An initial building / sign permit is required and plans provided with applications for permitting such sign shall be certified by a licensed engineer registered in the State of Kansas.
- b. Construction shall be in accordance with industry-wide standards and the adopted building regulations of the City of Gardner.

- c. Maintenance activities shall ensure that the sign is structurally sound and in good condition and that the property is maintained in compliance with the adopted regulations of the City of Gardner.
 - d. Sign permits for such signs shall be renewed every 5 years though the filing of a sign permit renewal application and a certified inspection report provided by a licensed engineer registered in the State of Kansas verifying the sign is structurally sound and in good condition.
- 4. Conditional Use Permit (CUP) Required – principal use sign applications with the following characteristics are subject to the CUP review and approval process outlined in Section 17.03.050 of Title 17 Land Development Code of the Gardner Municipal Code:
 - a. Height – above 30 feet to 50 feet maximum
 - b. Vertical stacked signs
- 5. The sign shall be subject to meeting all other applicable state and federal regulations, including but not limited to the Kansas Highway Beautification Highway Advertising Control Act of 1972, K.S.A. 68-2231 *et seq.*, as amended, and the United States Highway Beautification Act of 1965, 23 U.S.C. 133, as amended. Each sign shall be permitted by the State of Kansas in accordance with K.S.A. 68-2236, as amended. In the event that an application for placement of a principal use sign is made prior to the applicant obtaining a permit from the State, any approval shall be conditioned upon the applicant subsequently obtaining a State permit.

17.10.050 Standards Applicable to All Signs

~~K. Any sign with a business message shall be located on the site of the business activity.~~

17.10.070 Planned Districts

Projects proposed and approved through the planned development process may propose a specific sign package. The sign package shall be based on the intent, types of signs, and standards of this chapter, but the City may approve deviations to these standards through the review process and criteria of planned development districts. Any planned development not proposed and approved with a sign plan noting specific deviations shall be subject to these standards. (Ord. 2518 § 2 (LDC § 10.07))

ACTION / RECOMMENDATION

Planning Commission shall conduct a public hearing, as published, per Section 17.03.110 in order to consider public comment related to the proposed text amendments. After closing the public hearing the Planning Commission shall discuss the proposed amendments and make a motion to recommend one of the following:

- 1. Approval of the proposed amendments as presented, or
- 2. Approval of the proposed amendments with modifications, or
- 3. Disapproval of the proposed amendments.



Community Development

MEMORANDUM

TO: Gardner Planning Commission

FROM: David Knopick, Community Development Director

DATE: October 25, 2021

SUBJECT: Regular Agenda Item 2: 2022 Planning Commission Meeting Schedule.

BACKGROUND

Article Four, Section One of the *By-Laws of The Gardner Planning Commission*, states that *“Regular meeting of the Planning Commission shall be set annually and adopted by Resolution and a current schedule available from the Secretary of the Planning Commission. Unless otherwise provided, the regular meetings shall be on the fourth Monday of each month at 7:00 p.m. at Gardner City Hall.”*

The calendar of meetings for the upcoming year is typically approved by the Planning Commission prior to the end of the current year. Staff has prepared the draft Resolution incorporating the potential meeting calendar for 2022.

Attached is the draft Resolution related to the potential 2022 meeting schedule for review and approval.

ATTACHMENTS

I. Draft PC Resolution PC-21-01 Meeting Schedule.

RECOMMENDATION

Staff recommends that the Planning Commission discuss the draft schedule provided. Upon completion of the discussion it is recommended that the Planning Commission take action to adopt the appropriate Resolution for the 2022 meeting schedule.

RESOLUTION NO. PC-21-01

A RESOLUTION SETTING FORTH THE GARDNER PLANNING COMMISSION MEETING SCHEDULE FOR 2022

WHEREAS, Title 2.30.030, of the 2008 Municipal Code of the City of Gardner requires that the Planning Commission Meeting Schedule be fixed by Resolution of the Planning Commission; and

WHEREAS, the Gardner Planning Commission has annually reviewed and approved the schedule for the Planning Commission meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GARDNER, KANSAS, that the Planning Commission Meeting Schedule for 2022 has been approved and authorized.

SECTION ONE: The 2022 Planning Commission Meeting Schedule and Submittal Deadlines shall be:

Application Deadline (applications due at noon 1st Monday of the Month)	Planning Commission / BZA Meeting Date	City Council Meeting Date (3rd Monday of the Month)
Monday, Dec. 6, 2021	Monday, Jan. 24, 2022	Monday, Feb. 21, 2022
Monday, Jan. 3, 2022	Monday, Feb. 28, 2022	Monday, March 21, 2022
Monday, Feb. 7, 2022	Monday, March 28, 2022	Monday, April 18, 2022
Monday, March 7, 2022	Monday, April 25, 2022	Monday, May 16, 2022
Monday, April 4, 2022	Monday, May 23, 2022	Monday, June 20, 2022
Monday, May 2, 2022	Monday, June 27, 2022	Monday, July 18, 2022
Monday, June 6, 2022	Monday, July 25, 2022	Monday, Aug. 15, 2022
Tuesday, July 5, 2022**	Monday, Aug. 22, 2022	Monday, Sept. 19, 2022
Monday, Aug. 1, 2022	Monday, Sept. 26, 2022	Monday, Oct. 17, 2022
Tuesday, Sept. 6, 2022**	Monday, Oct. 24, 2022	Monday, Nov. 21, 2022
Monday, Oct. 3, 2022	Monday, Nov. 28, 2022	Monday, Dec. 19, 2022
Monday, Oct. 31, 2022**	Tuesday, Dec. 20, 2022**	Tuesday, Jan. 17, 2023**
Monday, Dec. 5, 2022	Monday, Jan. 23, 2023	Monday, Feb. 20, 2023

** Date changed due to a holiday

SECTION TWO: Meetings shall be held at 7:00 PM in the Council Chambers at Gardner City Hall, 120 E Main Street. If a need arises to change a meeting time or location, the public shall be alerted to the new time and/or location.

SECTION THREE: This Resolution shall take effect and be in force from and after its passage and approval as provided by law.

ADOPTED by the Planning Commission of the City of Gardner, Kansas, this 25th day of October, 2021.

Attest:

Scott Boden, Planning Commission Chairman

Secretary